Scott. H-27—60,004—17-11-48

# Forest (1948-50) Department.

RS SERIES.

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| G.O. NO. | 1964. |
| Dated | 16/5/50 |

Copies sent to Mr. Supdt.

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[Despatch Abstract.

Forests - Forest Offences - South Canara Dt - Kallur taluk - Illicit cutting of tree from Kumaki land Compounding - Rejected - orders

REVENUE DEPARTMENT

SUBJECT

Forests-Kumaki Land- (South Kanara)- Puttur taluk-Koila Village -S.No.228/1-illicit cutting of a Mango tree from Kumaki land-levy of compounding fees-refund-proposals-submitted.

Station: Madras. Ref.B.304/50-2 Dt.28/4/50

38068

From:

Sri A.F.Mascarenhas, I.A.S.,
Secretary, Board of Revenue, Madras.

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Sri W.R.S.Sattianathan, I.C.S.,
Commissioner of Land Revenue.

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ASSISTANT SECRETARY TO GOVT. 28 APR 1950 DEVELOPMENT DEPARTMENT

Read: From the Collector of South Kanara Ref.C.No.B.1.16568/49 dated 28-12-49.

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Read: 1.Appeal petition dated 13-7-49 from Sri Dugga Gowda S/o Aithapa Gowda of Koila Village-Puthur taluk.
2.From the Revenue Divisonal Officer, Puttur, Ref.C. 6907/49/C dated 15-9-49.
3.From the Tahsildar, Puthur N.Dis.10512/49 Dt.9/10/49

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I enclose an appeal petition filed by Sri Dugga Gowda S/o Aithappa Gowda of Koila village-puttur taluk South Kanara District, against the order of the Revenue Divisonal Officer, Puttur compounding the offence for Rs.156/12/0 in connection with the felling of a Mango tree fromKumaki land, for the construction of a boat. The connected records viz. Puttur Tahsildar's D.Dis.C.A.41/48/49 and Puttur Revenue Divisonal Officer's D.Dis.4153/49 are also enclosed for reference and return.

2.The Offence in this case, was compounded by the Revenue Divisonal Officer, Puttur on the report of the then Tahsildar Puttur to the effect that the appellant had cut the tree for sale and not for domestic and agricultural purpose. The present Tahsildar, reports that, that appellant had cut the tree only for domestic and agricultural purpose, but the Revenue Divisonal Officer did not consider all these facts, when compounding the offence.

3. The appellant in this case paid the compounding fees, in the Stationary Sub-Magistrate's Court, Puttur in whose court, the case was filed as the appellant failed to pay the compounding fees. The appellant now requests that it may be refunded to him.

4. Mango is a fruit bearing tree and according to para VII of the Seigniorage circular, issued in July 21 no permit is required for felling of a mango tree i.e.other than reserved trees, from Kumaki land, for bonafide domestic and agricultural purpose. As this tree was cut for bonafide domestic and agricultural purpose, no permit was required to cut the tree.

5.B.P. Mis.1327 dated 15-6-26 does not provide for any appeal in this case. However, as this is a special case, I request instructions, whether I can interfere in the matter and refund the amount. The seigniorage circular file is also enclosed,for reference and return.

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p.t.o.

REFERENCE:

Submitted to the Government

2. The Board agrees with the Collector that the Mango tree cut in this case was only for domestic and agricultureal purposes and that the Revenue Divisional Officer, Puttur did not consider all the facts when compounding the forest offence. It therefore considers that there is a special case justifying the refund of the compounding fees for the forest offence. The Board accordingly requests that the Government may be pleased to order the refund of the compounding fees in favour of the petitioners.

for Secretary.

To

The Secretary to Government

Development Department

(With records 1. B.P.Rt.2516 dated 20-4-~~47~~ 49

2. Puttur R.D.O's L.Dis.4155/49 ~~pages 6 plus 4~~ dated 29-5-49

3. Puttur Tahsildari's D.Dis.O.R.41/48-49 dated 10-9-49

4. Seigniorage ~~circular~~ Circular file

5. ~~This~~ office file C.No.16568/49-B1.

skr.28/4 Collector's and (6) B.P.No.1327 dated 15-6-1926

DEVELOPMENT (CI) DEPT.

SUB:- FORESTS - Forest Offences South Kanara Dt. - Puttur Taluk - Illicit cutting of tree from Kumaki land - Compounding fees - Refund - Ordered.

Read:- From the Bd. of Rev. Ref. B.304/50-2 d/ 28.4.50.
G.O. MS 1964 DATED 16.5.50.

One Dugga Gowda, ~~s/o~~ Aithappa Gowda of Koila Village, Puttur Taluk, South Kanara Dt.. felled a mango tree from his Kumaki land for the construction of a boat in 1947. On the report of the Tahsildar, Puttur that Sri Dugga Gowda had cut the tree for sale and not for domestic and agricultural purpose, the R.D.O., Puttur compounded the offence for Rs.156/12/-. Sri Dugga Gowda paid the compounding fees in the Stationery Sub Magistrate's Court, Puttur and has appealed that the amount paid may be refunded to him on the ground that the tree was cut from his Kumaki land for bona-fide domestic use and not for sale.

The appeal has been considered by the Collector of South Kanara and the Board of Revenue. The Collector has reported that the fact that the tree was felled for domestic and agricultural purpose was not considered by the R.D.O., while compounding the offence and that according to para VII of the seignorage circular issued in July 21 no permit is required for the felling of a mango tree from Kumaki land, for bona fide domestic and agricultural purpose. The Collector has therefore requested that the compounding fees already collected may be refunded to the appellant as a special case. The Board has also recommended the refund of the compounding fees as a special case.

The Govt. accept the Board's recommendation and direct that the compounding fee of Rs.156/12/- (Rupees one hundred and fifty six and annas twelve only) already collected from the appellant be refunded to him.

To The Bd. of Rev.
To The A.G. thro Fin.
To The Collector of South Kanara.

PTO

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NOTE:- Finance may see for acceptance.

FCM 3/5/50 m 6/5/50 — Sc. 9/5/52 fm

Klen. Dept. U.O. No. 38368-Ei/50-I 8.5.50.

fm (See NB)

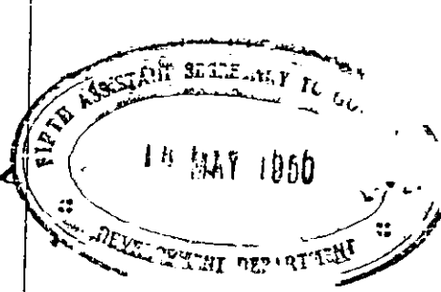
In the circumstances stated in the Board's reference at P 2 C of the draft order overleaf may be accepted

42365

Fin U.O. No. 33560/EB/50-I 12/5/50

11.5.50 — 12/5/50 Dev.

Dev. Dept.




The draft order on p. 1 ante may issue

13/5/50

(Issued F.O. M. No. 1964 (Dev) dt. 16/5/50)